

RATE RESOLUTION 2019/20

A. ANNUAL PLAN

That in accordance with Section 71 of the *Local Government Act 1993* (as amended) Council adopts the Annual Plan for the financial year ending 30 June 2020 and instructs the General Manager to:

- (a) make a copy of it available for public inspection at the Council's Offices and on the website; and
- (b) provide a copy of it to the Director of Local Government and to the Director of Public Health.

B. ANNUAL ESTIMATES (REVENUE AND EXPENDITURE)

That:

- (a) in accordance with Section 82 of the *Local Government Act 1993* the Council by absolute majority adopts the estimates of revenue and expenditure (excluding estimated capital works) for the 2019/20 financial year as detailed in the Annual Plan;
- (b) in accordance with section 82(6) of the Act the Council, by absolute majority, authorises the General Manager to make minor adjustments up to \$50,000 to any individual estimate item (including capital works) as he deems necessary during the 2019/20 financial year provided that the total of the Estimates remains unaltered.

C. RATES AND CHARGES 2019/20

That Council makes the following General Rate, Service Rates and Service Charges under the provisions of the *Local Government Act 1993*, and the *Fire Services Act 1979* for the financial year 1 July 2019 to 30 June 2020 in respect to land in the municipal area which is separately valued under the *Valuation of Land Act 2001*.

Definitions and Interpretations

Unless the context otherwise requires, in the following resolutions, words and expressions defined in the *Local Government Act 1993* have the same meaning as they have in that Act.

Unless the context otherwise requires, in the following resolutions, the following words and expressions have the meaning set out below:

"Act" means the *Local Government Act 1993*;

"AAV" means the assessed annual value as determined by the Valuer-General under the *Valuation of Land Act 2001*;

"land" means a parcel of land which is shown as being separately valued in the valuation list prepared under the *Valuation of Land Act 2001*;

"land used for primary production" means all land used or predominantly used for primary production and includes all land coded "L" in the valuation list;

"land used for residential purposes" means all land used or predominately used for residential purposes and includes all land coded "R" in the valuation list;

"municipal area" means the municipal area of Devonport;

"non-used land" means all land coded "V" in the valuation list;

"supplementary valuation" means a supplementary valuation made under the *Valuation of Lands Act 2001*.

“tenancy” means a portion of land which the Valuer-General has determined is capable of separate occupation and so has separately determined the AAV of that portion, pursuant to Section 11(3)(c) of the *Valuation of Land Act 2001*; and

“valuation list” means, in respect of the financial year, the valuation list, supplementary valuation list or particulars provided to the Council by the Valuer-General under Section 45 of the *Valuation of Land Act 2001*.

1. RATES RESOLUTION- PART 1 (A)

Pursuant Sections 90 and 91 of the *Local Government Act 1993* the Council makes a General Rate (“the General Rate”) in respect of all rateable land (except land which is exempt pursuant to Section 87 of the *Local Government Act 1993*) consisting of two components being:

- (a) 11.0935 cents in the dollar of assessed annual value (the AAV component);
- (b) A fixed charge of \$300 on all land or tenancy.

2. RATES RESOLUTION – PART 1(B)

Pursuant to Section 107 of the *Local Government Act 1993*, the Council by absolute majority hereby varies the AAV component of the General Rate (as previously made) for land within the municipal area which is used or predominantly used for primary production to 7.0320 cents in the dollar of assessed annual value of such rateable land.

3. RATES RESOLUTION – PART 1(C)

Pursuant to Section 107 of the *Local Government Act 1993*, the Council by absolute majority hereby varies the AAV component of the General Rate (as previously made) for land within the municipal area which is used or predominantly used for residential purposes to 7.0320 cents in the dollar of assessed annual value of such rateable land.

4. RATES RESOLUTION – PART 2

4.1 Pursuant to Section 94 of the *Local Government Act 1993*, the Council makes the following service rates and service charges for land within the municipal area (including land which is otherwise exempt from rates pursuant to Section 87, but excluding land owned by the Crown to which Council does not supply any of the following services) for the period 1 July 2019 to 30 June 2020:

- (a) a waste management service charge of \$270 upon all land or tenancy to which Council supplies or makes available a kerbside collection service

4.2 Pursuant to Section 107 of the Act the Council, by absolute majority declares that the service charge for waste management is varied by reference to the use or predominant use of land as follows:

- (a) for all land which is predominately used for any purpose other than residential or primary production to which Council supplies and makes available a kerbside collection service the service charge is varied to \$810, subject to 4.3 below; and
- (b) for all land which is non-used land the service charge is varied to \$0.00

4.3 Pursuant to Section 88A of the Act the Council by absolute majority determines:

- (a) that the maximum percentage increase of the varied service charge for waste management (as previously made and varied by 4.1 and

4.2 above) is capped at 25% above the amount which was payable in respect of the waste management rate charged in the 2018/2019 financial year and;

- (b) to qualify for the maximum increase cap in subparagraph (a), the rateable land must not have been subjected to a supplementary valuation issued by the Valuer-General during the period from 1 July 2018 to 30 June 2019.

5. RATES RESOLUTION – PART 3

Pursuant to Section 93A of the *Local Government Act 1993* and the provisions of the *Fire Service Act 1979* (as amended), the Council makes the following rates for land within the municipal area for the period 1 July 2019 to 30 June 2020:

- (a) a Devonport Urban Fire District Rate of 1.4093 cents in the dollar of assessed annual value, subject to a minimum amount of \$41 in respect of all rateable land within the Devonport Urban Fire District.
- (b) a Forth/Leith Fire District Rate of 0.4378 cents in the dollar of assessed annual value, subject to a minimum amount of \$41 in respect of all rateable land within Forth/Leith Fire District.
- (c) a General Land Fire Rate of 0.3624 cents in the dollar of assessed annual value, subject to a minimum amount of \$41 in respect of all rateable land within the municipal area, which is not within the Devonport Urban Fire District, or the Forth/Leith Fire District.

6. SEPARATE LAND

In relation to all rates and charges for the 2019/20 year, as previously made, for the purpose of these resolutions the rates and charges shall apply to each parcel of land which is shown as being separately valued in the valuation list prepared under the *Valuation of Land Act 2001*.

7. ADJUSTED VALUES

For the purposes of each of these resolutions any reference to assessed annual value includes a reference to that value as adjusted pursuant to Sections 89 and 89A of the *Local Government Act 1993*.

8. PAYMENT OF RATES AND CHARGES

Pursuant to Section 124 of the *Local Government Act 1993* the rates for 2019/20 shall be payable in four instalments, the dates by which the rates are due to be paid are:

First Instalment	31 August 2019
Second Instalment	31 October 2019
Third Instalment	28 February 2020
Fourth Instalment	30 April 2020

Where a ratepayer fails to pay any instalment within 21 days from the date on which it is due, the ratepayer must pay the full amount owing.

Penalties

Pursuant to Section 128 of the *Local Government Act 1993* if any rate or instalment is not paid on or before the date it falls due, a penalty of 5% of the unpaid instalment or part thereof, shall be applied except:

- (a) where the ratepayer has adhered to an approved payment arrangement plan and the total rates are paid in full by 30 April 2020; and

- (b) where the ratepayer has authorised an approved bank direct debit payment arrangement.

Supplementary Rates

- (a) Pursuant with Sections 89A, 92 and 109N of the *Local Government Act 1993* if a supplementary valuation is made of any land prior to 30 June 2020, the General Manager may at his discretion adjust the amount payable in respect of any or all rates for that land for that financial year in line with the new valuation; and
- (b) If a rates notice is issued by the General Manager under sub-clause (a), the amount shown as payable on that notice is due to be paid within 30 days of the date on which that notice is issued.

D. CAPITAL WORKS PROGRAM

That Council:

- (a) pursuant to Section 82 of the *Local Government Act 1993* adopts the Capital Works Program for the 2019/20 financial year as detailed in the Annual Plan
- (b) notes the draft Capital Works programs proposed for financial years 2020/21, 2021/22, 2022/23 and 2023/24 as detailed in the Annual Plan, which remain subject to change depending on other priorities being identified and financial resources which may be available at the time.

E. FEES AND CHARGES

That in accordance with Section 205 of the *Local Government Act 1993* Council adopts the Fees and Charges Schedule for the 2019/20 financial year as detailed in the Annual Plan.